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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

08 APR 14 AM 11:01 '08 MJ 1123

UNITED STATES OF AMERICA,

Plaintiff,

v.

Patricio PINEDA-Flores,

Defendant

) Magistrate Docket No.
) CLERK: U.S. DISTRICT COURT
) SOUTHERN DISTRICT OF CALIFORNIA

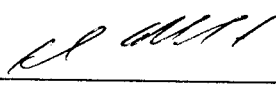
) COMPLAINT FOR VIOLATION OF:
) DEPUTY

) Title 8, U.S.C., Section 1326
) Deported Alien Found in the
) United States
)
)
)

The undersigned complainant, being duly sworn, states:

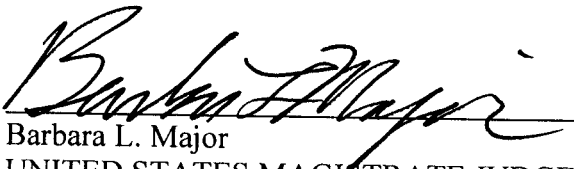
On or about **April 11, 2008** within the Southern District of California, defendant, **Patricio PINEDA-Flores**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



SIGNATURE OF COMPLAINANT
Ismael A. Canto
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 14th DAY OF APRIL, 2008.



Barbara L. Major
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:**Patricio PINEDA-Flores****PROBABLE CAUSE STATEMENT**

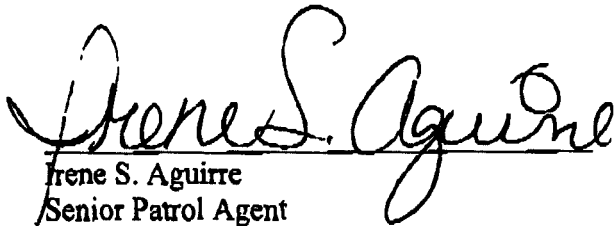
I declare under the penalty of perjury that the following statement is true and correct:

On April 11, 2008, Border Patrol Agent J. Sanchez was performing uniformed line-watch duties in the Chula Vista Border Patrol Station Area of Responsibility. Chula Vista Border Patrol Agents were notified via service radio from Infra-Red scope operator/Senior Patrol Agent C. Loy of a group of two suspected undocumented aliens running northwest in an area commonly known to agents as "Otay Mountain." "Otay Mountain" is located approximately three miles east of the Otay Mesa, California, Port of Entry and one mile north of the United States/Mexico International Border.


After a brief search, Agent Sanchez located two individuals attempting to conceal themselves in a rock pile. Agent Sanchez approached the individuals and identified himself as a United States Border Patrol Agent. Agent Sanchez then questioned both individuals as to their citizenship and nationality. Both individuals, including one subject later identified as the defendant, Patricio PINEDA-Flores, responded "Mexico." Agent Sanchez asked both individuals if they possessed any immigration documents allowing them to legally enter or remain in the United States, both subjects, including the defendant, responded "No." At approximately 3:20 a.m., Agent Sanchez placed both individuals under arrest and had them transported to the Chula Vista Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to Mexico on May 11, 2007 through Calexico, California. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

Executed on April 12, 2008 at 10:00 am.


Irene S. Aguirre
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of one page, I find probable cause to believe that the defendant named in this probable cause statement committed the offense on April 11, 2008, in violation of Title 8, United States Code, Section 1326.


Barbara L. Major
United States Magistrate Judge

4/12/08 at 11:40 AM
Date/Time